

TSCA RISK EVALUATION FOR ASBESTOS

BACKGROUND:

- On December 19, 2016, EPA designated Asbestos as one of the first 10 chemical substances for which EPA is conducting a risk evaluation as required by the Toxic Substances Control Act (TSCA) to determine whether the chemical substances present an unreasonable risk of injury to health or the environment.
- EPA's focus is on asbestos currently being manufactured, imported, processed or distributed in the US.

ISSUE:

- Legacy Uses: EPA has received criticisms regarding exclusion of 'legacy' uses during evaluation of existing chemicals. Asbestos is an example where this concern arises.
- Many legacy uses are asbestos materials found in homes, however, TSCA generally does not give EPA the authority to regulate the non-commercial use of items already within a home.
- Existing federal and state regulations address asbestos exposure from legacy uses in all buildings with more than four dwelling units. These regulations minimize release of asbestos fibers during building demolition or renovation, waste packaging, transportation and disposal.
- EPA's actions on asbestos will *prevent future legacy* issues with asbestos by promulgating a Significant New Use Rule (SNUR) to ensure that no new uses are initiated without EPA's review.

TALKING POINTS:

- EPA has not waited on completing the TSCA risk evaluation to take action on asbestos.
- In June of this year, EPA proposed an asbestos Significant New Use Rule. This is the first time EPA has proposed such an action for asbestos. If finalized, EPA will be positioned to prevent future legacy issues by ensuring that no new uses are initiated without review, empowering the EPA to take action, including prohibiting or limiting its intended use.
- For existing legacy issues, EPA believes TSCA is best suited to address uses for which a chemical is currently being manufactured, processed, or distributed. TSCA not provide authority to EPA to regulate non-commercial use of items already in homes.
- EPA will complete its risk evaluation of asbestos by December 2019 and, if unreasonable risk is identified, will propose appropriate risk management measures.